

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS DOHA 001155

SIPDIS

SENSITIVE

FOR NEA/ARPI THORNE

E.O. 12958: N/A

TAGS: [PGOV](#) [KDEM](#) [QA](#)

SUBJECT: QATAR'S NEW CONSTITUTION TAKES EFFECT WITHOUT FANFARE

1. (SBU) Qatar's first constitution took effect June 9, replacing a temporary law in place since 1971. The event passed without any attention from the media or other official recognition. When the constitution was approved by popular referendum in 2003, there was much fanfare to highlight the occasion. Because the constitution represents a step toward more democratic institutions and more well-defined roles for the branches of government, the lack of attention to its coming into force is noteworthy.

2. (SBU) Emboffs met with a range of Qatari citizens including lawyers, intellectuals and businessmen to hear their comments on the coming into force of the constitution and why it has been given a very low profile. Most agreed that the constitution is step forward in the rule of law. They said the concept of a constitution is necessary for establishing democracy and will push Qatar to a more advanced political level. Some said a "new era of democracy is beginning" in the country. They argued that the lack of coverage of the constitution is because the important event was its approval two years ago and its coming into force is a procedural event only. The people have already voiced their enthusiasm for the document. While the constitution is not entirely perfect, its supporters said, few basic laws are, and it grants certain rights to citizens and clarifies areas of governmental authority, thus becoming a net plus for the country.

3. (SBU) Contacts praised the constitution in particular for its articles that clear the way for the separation of executive, legislative and judiciary branches. Ministers will now become accountable to the legislature. Our contacts agreed that some aspects of the constitution could have been better. For example, it does not allow for the formation of political parties and stipulates that no changes can be made to the articles for the first 10 years.

4. (SBU) One explanation offered for the lack of official and media coverage is that Qatar aimed to avoid provoking neighboring states, given the fact that Qatar has occasionally been critical of their internal structures. They recognize that the drafting committee signed the document without a real contribution to the drafting process and that the Qatari population approved the constitution amidst an intense "yes" campaign largely without reading it. There were no public debates or analyses but rather a high level of praise during the referendum period.

5. (SBU) Contacts expressed reservations, however, over some of the constitution's articles. One, number 17, gives financial power to the Amir. It reads, "The financial remuneration of the Amir, as well as the gifts and assistance shall be defined as per a decision to be taken by the Amir annually." Article number 62 states: "The executive authority shall be handled by the Amir to be assisted by the Cabinet as stipulated in this Constitution." It was pointed out to us that the Amir is not accountable to any institution. Interlocutors also raised questions about article number 75, which could be used as a tool to pass any law without the Advisory Council's review. In general, contacts believed it would be impossible for the Advisory Council to pass any law that contradicts the government's interests. This is because articles 105 and 106 state that any draft shall require a two-thirds vote of the council, while one-third of the council will be appointed by the Amir. Thus, the executive authority (the Amir's ministers) will need to obtain only one vote from an elected member to block any legislation. The Amir has powers to dissolve the parliament, suspend and veto laws, and conduct referenda.

6. (SBU) Emboffs inquired about the absence of a constitutional court. Some contacts believe that lower courts have the power to rule on constitutional cases; others believe that the responsibility to ensure proper enforcement of the constitution is solely the government's. Some said establishment of a constitutional court is a matter of time and would be the next step in the democratization process.

Comment

7. (SBU) Post believes that the constitution is a step forward in establishing democratic institutions. It separates branches of government, creates a national elected legislative body, and specifies that ministers be required to report to the legislature. Criticisms of the document are also valid: it solidifies the authority of the ruling family, which is not accountable to other national institutions, and it is not clear which body or court will protect the constitution. The current lack of public discussion of the constitution is noteworthy

because a document broadly supported by an informed citizenry
stands the best chance of becoming an effective building block of
democracy.

UNTERMEYER